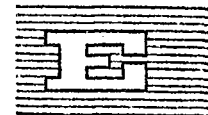


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COMMISSION ON HUMAN RIGHTS

Thirty-seventh session

SUMMARY RECORD OF THE 1610th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 20 February 1981, at 4.30 p.m.

Chairman:

Mr. CALERO RODRIGUES

(Brazil)

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The meeting was called to order at 4.35 p.m.

STATEMENT BY THE EXECUTIVE SECRETARY OF THE INTERNATIONAL YEAR OF DISABLED PERSONS

1. Mrs. N'KANZA (Executive Secretary, International Year of Disabled Persons) stated that mankind included 500 million disabled persons - more than the population of the entire African continent or of the United States of America and the Union of Soviet Socialist Republics combined. Although the human rights of disabled persons were legally recognized at the national and international levels, as witnessed, in particular, by the two General Assembly Declarations of 1971 and 1975 on the Rights of Mentally Retarded and of Disabled Persons, their actual enjoyment was far from assured. It could even be stated that the great majority of disabled persons were not, in practice, able to exercise their basic rights as human beings. It was generally acknowledged that 80 per cent of disabled persons, or 400 million individuals, lived in the developing countries and that 80 per cent of them, or 300 million, were in a state of dire poverty, illiterate and denied any rehabilitation facilities. Furthermore, a great number of disabled persons in the developing countries were children and adolescents.

2. An awareness of that intolerable situation had prompted the international community to take concerted action with a view to changing radically the living conditions of the multitude of human beings who suffered from disabilities. The General Assembly's proclamation of 1981 as the International Year of Disabled Persons should lead to practical action as in fact provided for in the Plan of Action for the International Year of Disabled Persons, which was chiefly oriented towards measures to be taken at the national level for the rehabilitation of disabled persons with due respect for local environments, traditions and cultures.

3. Of all the States Members of the United Nations, 70 had already responded to the appeal of the secretariat of the International Year of Disabled Persons. Regional consultations had taken place in Latin America and Africa and would shortly be held in Europe. As a result of such consultations it was possible to compile information which demonstrated that the Member States were aware of their responsibilities in the area of the prevention and treatment of disabilities. Nevertheless, the financial problem remained the major obstacle to implementation of the developing countries' plans under the International Year. It should be emphasized that the Plan of Action would not have a magic effect and that the problems would remain beyond 1981. The countries with the necessary financial resources should therefore assume their moral responsibility and envisage appropriate action for responding to the urgent needs of the most disadvantaged countries, in the context of international social solidarity.

4. The regional consultations undertaken by the secretariat of the International Year were gradually revealing the priorities of the various Governments and clearly showed that the large-scale access of the developing countries to science and technology would facilitate the enjoyment of human rights by physically and mentally disabled persons. Disabilities were, in fact, often caused by the non-existence of primary health care, as a result of insufficient scientific and technical knowledge. It could reasonably be hoped that the international symposium of experts on technical assistance in the field of disability and technical co-operation among developing countries, which was to be held in Argentina in July 1981, would supply technical advice and practical solutions that could be incorporated in the long-term Plan of Action which the General Assembly was to adopt at its thirty-seventh session.

5. The International Year must be the starting-point for concerted long-term action. In order to begin consultations with Member States with a view to preparing a long-term plan of action, the Secretary-General had transmitted to Governments, specialized agencies and non-governmental organizations for consideration an outline presenting the four major areas in which international co-operation was necessary: the area of human rights in the sense of social justice; changes in attitude towards disabled persons; prevention of disabilities; and the social integration and participation of disabled persons in the socio-economic development process. In that respect the secretariat of the International Year had high expectations of the specialized agencies in their various areas of competence.

6. Disabled persons' enjoyment of rights could not be limited to the context of national frontiers. The international environment played an important part, and recommendations had been made, in particular by the Economic and Social Commission for Asia and the Pacific (ESCAP) and the Economic Commission for Africa (ECA), urging the General Assembly to begin preparation of a convention defining the obligations of Governments to establish an environment free of all discrimination, de facto or de jure, based upon disabilities. If the international community endorsed such an initiative, the Commission would certainly have a fundamental part to play in the implementation of the future international instrument.

7. Referring to the efficient assistance that the secretariat of the International Year was receiving from the Division of Human Rights, she expressed the hope that on the occasion of the International Year the Commission would strengthen the mandate of the Division in the area of action to combat discrimination based upon infirmities and disabilities.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (E/CN.4/1432; E/CN.4/1451; E/CN.4/1452; E/CN.4/1454; E/CN.4/1455; E/CN.4/1462; E/CN.4/1464; E/CN.4/L.1559; A/RES/35/35; A/34/491; A/C.3/34/1; A/35/35)

8. Mr. DABIRI (Observer for Iran) recalled that his country had already defended the cause of enslaved and colonized peoples and their right to self-determination in other United Nations forums. Nevertheless, in connection with agenda item 9, he considered it necessary to make some remarks concerning Afghanistan, whose situation was a matter of constant concern to the Iranian Government.

9. In the opinion of the Government of the Islamic Republic of Iran, the Government in power in Afghanistan was illegal because it had no link with the Afghan people and had been imposed upon that people by foreign forces. Consequently, it was absolutely inconceivable that a political solution should be applied to the Afghan problem until the last foreign soldier had left Afghan territory.

10. Furthermore, the Iranian Government had always maintained that the immediate and unconditional withdrawal of Soviet armed forces from Afghanistan was a necessary condition for the oppressed Moslem people of that country to be able to decide freely upon the régime of its choice.

11. On the basis of those principles the Iranian Government wished to assure the heroic people of Afghanistan that Iran, despite the difficulties it was facing, would never associate itself with any undertaking that did not take full account of the legitimate aspirations of the Afghan people.

12. Mr. AL FALLOUJI (Observer for the League of Arab States) said that he had already explained his delegation's position on item 9 but wished to make a clarification.

13. During his statement, the representative of Israel had made some unpardonable legal errors. At the beginning of his statement, he had spoken of the validity of military occupation in accordance with the rules of international law. That amounted to flagrant distortion since those rules accorded no validity to military occupation. In reality, international law necessarily recognized the fact of military occupation as creating problems to be resolved; it accordingly stipulated the necessary rules in that respect, but it did not recognize the legitimacy or validity of occupation. Thus it laid down legal rules which must be respected and which had no other justification than to limit the excesses of the occupying Power; in no circumstances did it attribute any validity to the presence of such a Power.

14. The representative of Israel had repeated his country's famous argument in support of its refusal to apply the fourth Geneva Convention, while at the same time contradicting himself since he had maintained that the Israeli authorities applied the humanitarian provisions of that instrument. Thus he had mentioned a few articles which, according to him, were applicable by virtue of their humanitarian nature: articles 64, 41, 42, 43, 68 and 74. On the basis of the text of those provisions, it must be acknowledged that they concerned only the protection and security of the occupying Power. Therefore, the representative of Israel had no other humanitarian concern than to ensure the protection and security of that Power.

15. By way of illustration, with respect to the above-mentioned article 64 it would be noted that the Israeli representative had first mentioned paragraph 2 of the text, omitting paragraph 1 and also omitting, from paragraph 2, a clause containing the very essence of the principle which read: "The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government, etc.". By omitting the underlined passage, he had chosen to retain only the elements of that provision which were useful to his argument. He had done the same thing with respect to article 49 of the fourth Convention by omitting the words "regardless of their motive", the exact text being: "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive". That omission enabled him to maintain that the text applied only to innocent persons. One obviously had to eliminate the words "regardless of their motive" in order to arrive at such an interpretation. In that connection, he (Mr. Al Fallouji) would like to know how the Israeli delegation defined innocence, for the persons expelled had in fact never been convicted of any crime whatsoever. He wondered whether that meant that any Palestinian was presumed guilty until proven innocent. That would be a veritable parody of justice.

16. Lastly, the representative of Israel had curiously invoked article 52 of the first additional protocol of 1977 to justify the Israeli policy of Judaization of the occupied territories through the establishment of Jewish settlements. It should nevertheless be recalled that at the end of the diplomatic conference, when the final act was being signed, the Israeli delegate had distinguished himself by his singular attitude in refusing even to sign the act. That refusal was in flagrant contrast with the attempt to justify the further establishment of settlements with a quotation out of context from the same protocol.

17. Mr. QUAN PHAM (Observer for Viet Nam) said that the only peoples entitled to speak in the Commission on the questions of human rights and the right to self-determination were: the Palestinians who had been driven from their homeland and the Arab peoples living under Israeli occupation; the black peoples of South Africa, Namibia and the front-line States, who were the victims of the apartheid régime in Pretoria; the peoples of Chile and El Salvador, who had been ill-treated at the hands of fascist dictatorial juntas; the Sahrawis who were struggling for their independence under the leadership of the Polisario Front; the indigenous populations of the United States, who had been robbed of their lands and gradually exterminated; and all peoples whose territories had been occupied or usurped for the establishment of United States military bases.

18. Paradoxically, it happened all too often that the oppressors of those peoples arrogated to themselves the right to preach human rights and the right to self-determination to their victims. It was regrettable that, according to imperialist ideology, a criminal guilty of genocide should become a defender of human rights, that an Afghan counter-revolutionary should be called a "resistance fighter", that a Salvadorian revolutionary should be described as a "leftist" and a "murderer", and that oppressed peoples should be considered as inferior nations, incapable of defending their inalienable rights. It was, moreover, that ideology which prevented the Revolutionary People's Council of the People's Republic of Kampuchea, the only genuine representative of a people which had been subjected to genocide, from enjoying its legitimate right to a seat in the United Nations. It was the same ideology that enabled the executioners who had killed 3 million Kampucheans and who had been sentenced to death by their own people to keep their seat in the United Nations and to take their place in the very room where the Commission was meeting. Such a situation was a disgrace to the United Nations and the Commission.

19. The international press had, moreover, confirmed that judgement, as could be seen from the article by Mr. Guest which had appeared in the International Herald Tribune of 7-8 February 1981.

20. The Vietnamese people was defending the principle of respect for the right of peoples to self-determination because it had experienced more than 1,000 years of Chinese domination and nearly 100 years of French domination and because, in the past 30 years, it had been the victim of the French colonialists and then the American imperialists, before again becoming the victim of the Chinese expansionists and hegemonists, who were using the power of a population of 1 billion to deny its right to self-determination.

21. In order to facilitate the implementation of their plan of annexation and domination, the aggressors had always considered the three Indo-Chinese countries as a single battlefield and had sought to divide them by all possible means. During the war of resistance which the peoples of those countries had waged against common enemies, their solidarity had therefore assumed vital importance in their struggle to recover and defend their independence and freedom. Indeed, that had been a historical necessity in order to defeat a much more powerful enemy, which had never shrunk from committing the most treacherous acts. The Vietnamese people had defended its right to self-determination at the cost of the lives of thousands, it had helped its brother Kampuchean and Laotian peoples also to affirm their right to self-determination against the common enemy. That experience had shown that the solidarity of the three peoples of Indo-China had never threatened any neighbouring country.

22. With regard to draft resolution E/CN.4/L.1559, submitted by the representative of the Philippines, he referred to the statement made by the spokesman for the Ministry of Foreign Affairs of the People's Republic of Kampuchea and published on 4 February 1981 as an official document of the thirty-seventh session of the Commission (E/CN.4/1457). His delegation wholeheartedly supported that statement and totally rejected draft resolution E/CN.4/L.1559, which it regarded as flagrant interference in the internal affairs of the People's Republic of Kampuchea and as a violation of the basic principles of international law.

23. The situation in Kampuchea was now stable or, at any rate, more stable than that in many other countries of the region. The Kampuchean people, who had been doomed to die in the Pol Pot inferno, had made a miraculous recovery. It now had a new constitution and was preparing for general elections in which it would choose its authentic representatives. While many countries in south-east Asia were still engaged in civil war, the Kampuchean people had eliminated the danger represented by the Pol Pot clique and the other rebel forces, provided that Peking terminated the assistance from which those forces were benefiting.

24. The representatives of the Philippines and some other countries had maintained that the presence of Vietnamese troops in Kampuchea was contrary to the right of self-determination and had called for their withdrawal. The presence of Vietnamese troops in Kampuchea was nothing new. In the past, Vietnamese forces had fought on the side of the Kampuchean people against the colonialists and imperialists to defend the independence and freedom of both countries. In strict observance of Kampuchea's national sovereignty, the Vietnamese troops had withdrawn to Viet Nam after victory over the common enemy. Their current presence in Kampuchea was temporary and in response to the request of the Revolutionary People's Council of Kampuchea, which was trying to cope with the Chinese threat. When that threat no longer existed, the Vietnamese troops would leave Kampuchea, as they had already done twice in the past.

25. Referring to the summaries of the crimes of Pol Pot and Ieng Sary published by the Sub-Commission and to the analysis conducted by its Chairman pursuant to Commission decision 9 (XXXIV), he said that without the multifarious and effective assistance provided by Viet Nam, the Soviet Union and other socialist countries the entire Kampuchean people would have been exterminated by the time the international organizations had taken action. Since the overthrow of the Pol Pot-Ieng Sary clique, violations of human rights in Kampuchea had ceased. In his opinion, a demand for the withdrawal of Vietnamese troops from that country amounted to paving the way for the return of the Pol Pot supporters so that they might continue their crime of genocide.

26. In that connection, he would like to know why the representatives who were calling for the immediate withdrawal of Vietnamese troops from Kampuchea were not also calling for the withdrawal of Chinese troops from the Vietnamese territories which had been illegally occupied in 1974 and 1979, from the 130,000 square kilometres of Indian territory illegally occupied in 1962 and from the 170,000 square kilometres of Burmese territory illegally occupied in 1956, so that the Vietnamese, Indian and Burmese peoples might effectively exercise their right to self-determination in their occupied territories. He would also like to know why those same representatives were not calling for the removal of the 2,500 United States military bases and the withdrawal of the 500,000 United States soldiers stationed in the territory of 30 countries, where every day they flouted human rights and the right of peoples to self-determination and constantly threatened peace and security in the world.

27. Those representatives maintained that the presence of Vietnamese troops in Kampuchea was contrary to peace and stability in the region and worsened relations between the two groups of States formed by the countries of Indo-China and those of ASEAN. He wished to point out that south-east Asia had known neither peace nor stability during the past 40 years. In the space of half a century, that region had experienced four major wars which bore no relation to what were known as the "situation in Kampuchea and the presence of Vietnamese troops in that country". The region had suffered wars of aggression waged in turn by the Japanese, the colonialist countries, the United States imperialists and China. In addition to those wars of aggression, Peking's policy of intervention against the peoples of the region through pro-Peking rebels had been pursued for the past 30 years. The long-standing struggle of the peoples of the three Indo-Chinese countries for national independence represented an important contribution to the cause of peace and national independence in south-east Asia and throughout the world. It had eliminated the factors of instability caused by the policy of aggression and intervention pursued by the imperialists and international reactionaries and it had laid the foundations for the improvement of relations between the countries of Indo-China and those of ASEAN.

28. In the opinion of his delegation, it was for the ASEAN countries to restore confidence since, for the past 40 years, they had taken sides with the aggressors in order to inflict suffering and sorrow on the people of Viet Nam and the other Indo-Chinese countries. Yet the ASEAN countries condemned the threat of aggression from Viet Nam and Kampuchea, while at the same time rejecting the proposal by the three Indo-Chinese countries to sign non-aggression treaties with them and establish a demilitarized zone along the border between Kampuchea and Thailand. What they wanted, in fact, was to continue to subject the three Indo-Chinese countries to military pressure, economic blockade and political isolation in order to force them to capitulate. They were encouraging opposition between themselves and the three Indo-Chinese countries, as well as instability along borders, so that they might interfere in the affairs of the Indo-Chinese countries, request United States assistance and derive benefit from the refugee problem.

29. There were only two ways out: either to continue to oppose and impose, as ASEAN had been doing during the past two years, or to discuss and agree on a settlement of the problems raised by each party. The first way could only sabotage peace and cause instability in south-east Asia, whereas the second would make it possible gradually to advance towards peace and stability in that region. What the three Indo-Chinese countries were proposing was negotiation and agreement. What ASEAN was proposing was that the three Indo-Chinese countries should bend to its will.

30. The current conflict, which threatened peace and stability in south-east Asia, was between China and the three Indo-Chinese countries and not between those three countries and the ASEAN countries. The three Indo-Chinese countries appealed to the ASEAN countries, in their own interest and that of south-east Asia, to co-operate with them, to put an end to antagonism and to make south-east Asia a peaceful and stable region.

31. With regard to events in Afghanistan, he warmly welcomed the presence in the Commission of the representative of the Democratic Republic of Afghanistan. His own delegation had listened attentively to the important statement made by that representative, which had clarified the situation in Afghanistan and the position of the Afghan Government. In reporting the subversive and aggressive activities

carried out by Washington and Peking against the Afghan revolution, the representative of the Democratic Republic of Afghanistan had given the lie to all the noisy propaganda and slanderous allegations by the imperialists and international reactionaries concerning the right of the Afghan people to self-determination, and had demonstrated the legitimacy of the assistance granted by the Soviet Union to a friendly country which had requested it.

32. His delegation was surprised that some circles refused to admit that, as a sovereign country, the Democratic Republic of Afghanistan should be able to exercise its right to choose its friends and effectively to organize its individual and collective defence. To request the presence of foreign troops in Afghanistan or Kampuchea was the prerogative of the legitimate Governments of those countries, which were appealing for assistance from brother countries so that they might combat aggression and intervention by imperialists and international reactionaries. The request for the withdrawal of Soviet troops from Afghanistan made by the United States, China, Pakistan and some other countries was a flagrant violation of the Afghan people's right to self-determination. Imperialism and international reactionaries would go to any lengths to create confusion about the cause and effect and the form and substance of the problem in order to mislead public opinion about a matter of principle of crucial importance to peoples in combat. The forward march of peoples was, however, irreversible and those who defended the right of every nation freely to choose the mode of development most suited to it were in duty bound to defend the inalienable right of the Afghan people.

33. His country firmly supported the position of the Democratic Republic of Afghanistan and the measures it considered consonant with its interests. His country welcomed the victories of the Afghan people and the progress it had made in building its homeland. The Vietnamese people paid a tribute to the political, moral, material and military assistance provided to Afghanistan by the Government of the Soviet Union. Such assistance had also been beneficial and decisive for the Vietnamese people and other struggling oppressed peoples.

34. Mr. RAHIM (India) said he rejected the assertion by the representative of Pakistan that the territory of Jammu and Kashmir was one which had not yet exercised its right to self-determination. That territory was an integral part of India. The reference contained in paragraph 251 of the report by Mr. Gros Espiell (E/CN.4/Sub.2/405/Rev.1) showed that the statement by the Pakistan representative was incorrect. Any reference to that question in international forums was, moreover, contrary to the Simla Agreement concluded by Pakistan and India in 1972; further references of that kind would create doubts about the firmness of the Pakistan Government's commitment to that Agreement.

35. Mr. HILALY (Pakistan) said that he had been surprised to hear the representative of the Soviet Union describe the invasion of Afghanistan by 85,000 foreign troops as a "national uprising". The case argued by that representative rested on two propositions: first, that Soviet troops had intervened at the invitation of the Government of Afghanistan; and second, that they had intervened in order to protect that Government from "outside interference". Neither of those propositions was borne out by the facts: Soviet troops had begun their intervention on 25 December 1979, while President Amin had been in power; he had subsequently been executed and a new President had arrived with the foreign troops from Soviet territory. As for outside interference, there had been none except by the Soviet Union. Pakistan had recognized the régimes of Mr. Taraki

and Mr. Amin and had maintained good relations with them. In fact, the Minister for Foreign Affairs of Pakistan had been scheduled to visit Kabul in late December 1979. At that time, however, the Government of Pakistan and the entire world had been confronted with a fait accompli.

36. The representative of the Soviet Union claimed that Pakistan was allowing its territory to be used as a base for freedom fighters, the "mujahideen", and had named specific places in the North-West Frontier and Baluchistan provinces. In response, he (Mr. Hilaly) invited the representative of the Soviet Union to come to Pakistan to find out whether the camps to which he had referred actually existed. A helicopter would be made available to him so that he would be able to see for himself that there was no truth in the accusations he had made. In that connection, Pakistan had already proposed that an international force comprising troops from Islamic and non-aligned countries should monitor movements along the border between Afghanistan and Pakistan.

37. The Soviet Union regarded the Afghan freedom-fighters as "terrorists" and "bandits". But was it not in that way that liberation movements were always described by their oppressors? The Palestinians were also known as "terrorists". The representative of the Soviet Union had referred to atrocities committed by the Afghan mujahideen, but he (Mr. Hilaly) could enumerate actions carried out by the invaders which were hardly examples of civilized behaviour, such as: the brutal suppression, one year previously, of demonstrations by schoolgirls in Kabul, many of whom had died; the use of chemical weapons against unarmed peasants; the use of booby-traps which had killed and maimed hundreds of people, including children; the indiscriminate bombardment of villages and towns by artillery and helicopter gunships; and the destruction of crops in order to starve the population.

38. The Soviet Union and the socialist countries should cease making accusations which neither deluded other nations nor convinced even their own well-wishers outside the socialist camp. The best indication of his own country's good faith was that it had taken in 1.5 million refugees and had demonstrated its preference for a political solution based on General Assembly resolution 35/37, whose tenor had been reaffirmed in the Declaration of the Non-Aligned Countries.

39. Replying to the representative of India, he said that he had merely made a passing reference to the question of Jammu and Kashmir, which had been recognized as an outstanding issue by the Simla Agreement and had been the subject of many Security Council resolutions calling for the exercise by that territory of the right to self-determination. His delegation did not interpret the report by Mr. Gros Espiell in the same way as the delegation of India.

40. Mr. INGLES (Philippines) said that, although the old colonialism had been gradually dying out since the end of the Second World War, with the emergence of more than 100 new nations, a new colonialism was now in the ascendant and was strikingly exemplified by the invasions of Afghanistan and Kampuchea. The new colonialism affected States which were supposedly independent; interventions were justified by alleged invitations by Governments which were, in fact, extended after the invasions had taken place.

41. Like the representative of the Soviet Union, the observers for Czechoslovakia and Viet Nam had sounded warnings against interference in internal affairs, while the representative of the Byelorussian Soviet Socialist Republic had referred to elections which were to take place in Kampuchea in 1981 and the representative of Bulgaria had said that those elections would be democratic. His objection was that elections held in the presence of 200,000 foreign troops could hardly be democratic. Moreover, he noted that, in resolution 35/6, paragraph 3 (d), the General Assembly had called for United Nations-supervised free elections in Kampuchea; the elections that had been announced would not meet those two conditions. The total withdrawal of foreign troops called for in paragraph 3 (a) of that resolution would not take place either. In such circumstances, the elections that had been announced could only be a farce.

42. The observer for Viet Nam and the representative of Mongolia had stated that ASEAN had not adopted a positive attitude towards the question of Kampuchea. It should be noted that ASEAN had proposed that a conference should be held on that question with the participation of Viet Nam, provided that Viet Nam withdrew its troops, in accordance with General Assembly resolution 35/6. The member countries of ASEAN called on Viet Nam to observe the principles of non-aggression, respect for the independence of States and non-interference in their internal affairs, which were basic principles of international relations. If Viet Nam was really sincere in its endorsement of those principles, the ASEAN countries would maintain good relations with it. In conclusion, he urged Viet Nam to heed the appeals made to it by the General Assembly and by the recent Conference of Non-Aligned Countries.

43. Mr. EL-FATTAL (Syrian Arab Republic) said that Egypt, in order to satisfy its imperialist interests, had sacrificed the rights of the Palestinians, recognized in numerous General Assembly resolutions which had been supported by all States except Israel, and even by the United States of America. In paragraph 4 of the text of the Camp David accords, it was stipulated that Egypt and Israel would establish procedures for the solution of the refugee problem. It was not even made clear whether that covered Palestinian refugees. The ruler of Egypt had, in particular, belittled the right of those refugees to return to their homes, although that right was embodied in the fourth Geneva Convention. Under the Camp David accords, the situation of the Palestinian refugees would be treated as Israel chose. Paradoxically, those accords envisaged future negotiations on the self-determination of the Palestinians in accordance with the principles of Security Council resolution 242 (1967). However, that resolution was not concerned with self-determination. With reference to the remarks made by the representative of the Philippines, he wished to add that colonialism perpetuated itself in the form of exploitation as practised by some Western countries.

44. Mr. SKALLI (Morocco) recalled that the serious attitude of the Malagasy delegation to the question of Western Sahara had already become strikingly apparent when the Malagasy authorities had sent a telegram recognizing the so-called Sahrawi Republic of El Ayun, the chief town of the territory; that telegram had obviously been received by the Moroccan authorities. Madagascar's prejudiced attitude was all the more to be regretted since that country had played an historic role in the decolonization of Morocco. The people of Morocco had not forgotten that their former king, Mohammed V, had lived there in exile at Antsirabe.

45. Mr. ZORIN (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that, firstly, the Pakistan delegation's description of the events in Afghanistan in December 1979 agreed in all respects with that of the United States.

That version was false, since the Soviet Union had sent only a limited contingent into Afghanistan at the express request of the Afghan Government to defend its independence and sovereignty.

46. Secondly, the Pakistan delegation denied that camps existed in Baluchistan, from which armed bands, assisted by the United States and China, set out to attack the territory of Afghanistan. But it had taken care not to deny the existence of camps in other regions of Pakistan, which had been pointed out by the Soviet delegation and recognized by the international press, and even by a section of the press in Pakistan itself. As for the invitation extended by the Pakistan delegation to fly over the region by helicopter, the Soviet delegation declined it, having no desire to follow in the steps of Mr. Brzezinski.

47. The peaceful settlement advocated by the Pakistan delegation on the basis of the General Assembly resolutions was without value, since the Pakistan Government had rejected the offer of talks issued to it by the Government of Afghanistan. He had never said that the whole of the Moslem world was reactionary, but it was true that Moslem reactionary forces, assisted by Pakistan, China and the United States, were playing an aggressive role, whose victim was Afghanistan. It should be noted that the population of the Soviet Union contained several Moslems, who lived freely and practised their religion freely under the terms of the Constitution.

48. The Philippine delegation had blamed Afghanistan for requesting Soviet assistance. But were there not United States armed forces in the Philippines? In that case, why should the presence of foreign troops be legitimate in the Philippines and illegitimate in Afghanistan?

49. The Chinese delegation had failed, for obvious reasons, to deny China's participation in the aggression against Afghanistan in the form of arms supplies and training. How had the Chinese delegation dared to speak of the light recovered by Kampuchea after the war when the régime headed by Pol Pot, Peking's man of straw, had engaged in genocide against the people of Kampuchea? Why had the Chinese delegation not mentioned China's aggression in 1979 against Viet Nam, in order to "teach it a lesson"? But it had been China which had received a bitter lesson from the Vietnamese people, who had defended their right to independence and territorial integrity.

50. Mr. AREBI (Observer for the Libyan Arab Jamahiriya) reiterated his delegation's support for all peoples under colonial or alien domination or foreign occupation, such as the peoples of Palestine, Namibia, Azania and Western Sahara, and its appeal to the international community to assist them in exercising their right to self-determination. For that reason his delegation had become a sponsor of draft resolutions E/CN.4/L.1553, L.1554, L.1555 and L.1558, and wished to join the sponsors of draft resolution E/CN.4/L.1557.

51. In exercise of the right of reply, he read out, particularly for the benefit of the United States delegation, the communiqué issued jointly by Chad and the Libyan Arab Jamahiriya at the beginning of January 1981. He emphasized that the only legal Government, which was recognized by the international community and by OAU, was that led by Mr. Goukouni Oueddei, and that help, both humanitarian and financial, was needed in order to rebuild the country.

52. Mr. BARROMI (Observer for Israel), speaking in exercise of the right of reply, said he could only state that the observer for the League of Arab States had adduced no valid argument against two fundamental points of law: international law, which considered military occupation as an unavoidable consequence of war, contained special provisions to regulate it; and the fourth Geneva Convention of 1949 accorded to the occupying Power much wider powers than those exercised by Israel.

53. His delegation regretted the insulting and uncalled for remarks made about Israel by certain delegations which defended the right to self-determination in some cases and refused it in others. It was little wonder that the Cuban delegation had excelled in that respect, representing as it did a régime which left Cuban citizens wishing to exercise their own right to self-determination only one alternative, namely, to flee abroad in search of relief and liberty.

54. His delegation repeated, for the benefit of those who preached armed struggle and wanted to force upon Israel their ominous plans for the Middle East, that the settlement of the Israeli-Arab conflict depended on full recognition of the rights of Israel and its people, including the right to secure borders which could ensure adequate protection against external threats. Israel would not allow itself to be beguiled and would not give way to intimidation or violence. It was prepared, however, to co-operate in efforts to achieve a just and lasting peace, on the basis of Security Council resolution 242 (1967) and the Camp David accords. After the statement by the Syrian representative, he wondered whether it was not preferable to open negotiations based on the provisions of Chapter VI of the United Nations Charter rather than continue the war.

55. Mr. KHERAD (Observer for Afghanistan), speaking in exercise of the right of reply, rejected all the slanderous and unfounded allegations directed against revolutionary, sovereign and independent Afghanistan by certain imperialist countries in order to mask their sinister intentions and to increase still further the tension in that part of the world. The events which had occurred in Afghanistan, including the fraternal aid given by the Soviet Union at the express request of the Democratic Republic of Afghanistan in accordance with article 4 of the Soviet-Afghan Treaty of Friendship, Neighbourliness and Co-operation of 1978, and with Article 51 of the United Nations Charter, were internal or bilateral matters and in no way constituted a threat to international peace and security. His delegation therefore opposed any discussion of the alleged situation in Afghanistan, under the terms of Article 2, paragraph 7, of the United Nations Charter. The revolutionary people of Afghanistan had boldly set out on the road marked by the revolution of April 1978 and no attempt by the enemy would succeed in diverting them from it.

56. His delegation would not reply to the statement by the Egyptian delegation, which represented a Government in the pay of United States imperialism, or to the Pakistan delegation, which knew full well that Pakistan had become a focus of aggression against the Moslem people of Afghanistan and against the independent non-aligned State of revolutionary Afghanistan. It was imperialist and hegemonist circles and their puppets which made use of bases in Pakistan to train armed counter-revolutionary elements, and continued to wage an insidious war against the Afghan people and to inflict innumerable sufferings upon it. It was they who used chemical weapons and weapons of mass destruction, forbidden by international treaty, against the people and lawful Government of the Democratic Republic of Afghanistan. It was

they who poisoned the water in schools. In that connection, his delegation drew the Commission's attention to the statement of the Afghan Government contained in document A/35/430.

57. Mr. YOURAN (Observer for Democratic Kampuchea), speaking in exercise of the right of reply, condemned the treacherous manoeuvres indulged in by the Vietnamese delegation in a vain attempt to disguise the facts. The truth was that in Kampuchea the aggressive genocidal war waged for more than two years by the Hanoi authorities, with a mercenary army of 250,000 men, in defence of the expansionist policy of Viet Nam and Moscow in south-east Asia, was grinding inexorably to a halt, in spite of Soviet aid amounting to \$US 3 million a day. In Viet Nam itself, the Hanoi clique was at the origin of the unspeakable suffering and misfortune of the Vietnamese people, of whom more than 1 million had left the country and several hundred thousand had perished at sea. The Vietnamese economy had collapsed and the people of Viet Nam were threatened with starvation. In Asia, and in the eyes of the world, Viet Nam had become, after its invasion of Kampuchea, a "black sheep", and was condemned by all peoples who desired peace and justice. The United Nations and, more recently, the Conference of Ministers of Non-Aligned Countries in New Delhi had called upon Viet Nam to end its aggression and to withdraw all its forces from Kampuchea without delay, so that the people of Kampuchea could decide their fate with full sovereignty and without external interference. But the Hanoi authorities, who had given away their own independence and had not hesitated to betray the principles of non-alignment in order to serve the interests of their "natural ally" in Asia and in the world, continued to ignore those appeals. The international community, and in particular the peoples of south-east Asia, would not however accept the tyranny of Viet Nam or its fait accompli.

58. Mr. ZAFERA (Observer for Madagascar) said that he had admired the eloquence of the statement made the previous day on item 9 by the Moroccan representative but could not accept its basis. Madagascar had, in fact, historical connections with Morocco since it had given refuge to its former sovereign who had been exiled by the colonizing Power at that time; at present, however, it was Morocco which, in turn, was denying the people of Western Sahara their right to self-determination.

59. Mr. PEIWEI (Observer for China) said that in spite of repeated lies the whole world well knew who the aggressor was, who practised a policy of oppression and who was flouting the right of peoples to self-determination in Afghanistan and Kampuchea. No verbal dexterity could explain away the crimes of the Soviet Union and its accomplices. For its own part, the international community had a moral obligation to support the peoples of Afghanistan and Kampuchea; that was a responsibility which the Chinese people and Government assumed in full measure.

60. Mr. HANAFI (Observer for Egypt) said that the Observer for Afghanistan, who spoke for a puppet régime, had tried to divert the Commission's attention by attacking Egypt, a country which had always been the defender of just causes. In reply to the representative of the Syrian Arab Republic, he said that his country would defend to the death the right of the Palestinians to self-determination; however, he would be glad to know the Syrian representative's position on self-determination for the Afghan people.

61. Mr. AHMAD (Pakistan), replying to the representative of the Soviet Union, said that if his delegation had given the same account of the events of December 1979 as other delegations, it was simply because it had described what had actually happened. Furthermore, his delegation had not only denied the existence of camps in Baluchistan; it had also denied their existence in the North-West Frontier province and anywhere else. In Pakistan the only camps contained Afghan refugees and were occupied by 1.5 million persons. The Soviet representative had not accepted an invitation to go to Pakistan in order to ascertain the truth of his accusations because he wished to keep alive a fiction by means of which the Soviet Union justified its presence in Afghanistan. It was paradoxical that that representative, on the one hand, rejected all international information on the events which had taken place in Afghanistan, but on the other hand, based his argument on information from unspecified sources concerning the existence of training camps in Pakistan. Lastly, he (Mr. Ahmad) gave assurances that his country sincerely desired a political solution in Afghanistan and that it was willing to take part in talks under the auspices of the United Nations with Iran and the People's Democratic Party of Afghanistan.

62. Mr. SKALLI (Morocco) considered that the observer for the Libyan Arab Jamahiriya was in no position to speak of the rights of peoples to self-determination: his country was occupying Chad, after having undertaken a number of subversive activities against other countries. The Libyan Government openly proclaimed its policy of destabilization and its intention of setting up united States of the Sahel; on 28 September 1980 it had cynically stated that Chad formed part of Libya's lebensraum. In the Sahara, the Libyan Government accused Niger and Mali of persecuting the Tuaregs, who it declared to be of Libyan origin, and it was launching a movement for the liberation of the eastern Sahara. The Libyan Arab Jamahiriya was endangering the security of Africa, and it had chosen a curious way of campaigning for Arab unity, as had been shown by its attack on Tunisia in 1980.

63. Mr. EL-FATTAL (Syrian Arab Republic) asked the representative of the ruler of Egypt whether the people of that country themselves exercised their right to self-determination. Out of 40 million Egyptians, only 2,000 families enjoyed reasonable living conditions; the rest of the population were short of food, shelter and medical care. Furthermore, could it be said that the 40 million Egyptians exercised their right to self-determination when they were cut off from their Arab brothers? Their Government had submitted to United States imperialism and had sold the rights of the Palestinians, thereby hoping to get rich. He hoped that Egypt would soon have a representative who would speak another language - the same as that of the Syrian Arab Republic.

64. Mr. QUAN PHAN (Observer for Viet Nam), speaking in exercise of the right of reply after the statement made by the Chinese delegation at the previous meeting, wished to raise a number of questions for consideration by the Commission. Who had used the Pol Pot clique to set up a fascist régime in Kampuchea and wage a genocidal war unique of its kind? Who had poured into Kampuchea huge sums of money, large quantities of weapons and war material, and tens of thousands of advisers to train 23 divisions which had wiped out the people of Kampuchea? Who on 17 February 1979 had launched 600,000 men, 800 tanks and hundreds of aircraft into a barbarous war of aggression against Viet Nam along the whole of its northern frontier? Who was now

keeping more than 20 divisions, 10 units of heavy artillery and hundreds of tanks on the frontier with Viet Nam with the intention of teaching it a second lesson? Who had practised the chauvinism of a large nation in the service of a policy of expansion and hegemony against all its neighbours? Who had unlawfully occupied India, Burma, etc., and had used as its fifth column the Chinese nationals resident in all the countries of south-east Asia - in Viet Nam, Laos, Burma, Indonesia, Malaysia, Thailand, etc? Who had included in the map of China contained in the abridged textbook on the history of contemporary China used in Chinese schools, with the intention of recovering them, parts of the Soviet Union and Japan, the whole of Korea, Taiwan, the Ryukyu islands, the Pescadores islands, Port Arthur, all the countries of Indo-China, the whole of the territory of Singapore, Malaysia, Thailand, Burma, Bangladesh, Bhutan and Nepal, and part of India? Who was plotting with the United States against all national liberation movements throughout the world? Who was it who had welcomed the former Shah of Iran, established diplomatic relations with the dictator Pinochet, supported Somoza against the people of Nicaragua, and supplied arms and ammunition to the reactionaries fighting against the peoples of Angola and Namibia? There was only one reply to all those questions: it was the reactionary groups that held sway among the rulers in Peking. That was the reply to the calumnies uttered by China against Viet Nam.

65. Mr. AREBI (Observer for the Libyan Arab Jamahiriya), speaking in exercise of the right of reply, said he simply wished to state that the Libyan Arab Jamahiriya was proud to be the true defender of human rights, whether they were those of the American Indians, the Namibians, the Azanians, or the Sahrawis, and that Libya would continue to extend to them effective and efficient assistance.

66. Mr. HANAFI (Observer for Egypt), speaking in exercise of the right of reply, said that the Egyptian people practised democracy and had no need of support from the people of Syria. The lies disseminated by the Syrian delegation bore witness to the degree of political bankruptcy of the minority Baathist régime represented by that delegation.

67. Mr. PEIWEN (Observer for China), speaking in exercise of the right of reply, denied the calumnies uttered by the Vietnamese delegation, in imitation of the Soviet delegation, in order to create discord between China and its neighbours. The reply was to be found in the Chinese press and in Chinese statements, and the facts spoke for themselves. The expansionism, hegemonist designs, racism and aggression of which the Vietnamese delegation accused China were rather the acts of Viet Nam.

68. Mr. YOURAN (Observer for Democratic Kampuchea), speaking in exercise of the right of reply, again drew attention to the obstinacy with which the Hanoi authorities continued to question the representation of Democratic Kampuchea. Those manoeuvres attested to the bad faith of those authorities, who were waging a war of aggression and genocide against the people of Kampuchea, whose territory they were occupying with 250,000 troops.

69. Mr. FALLOUJI (Observer for the League of Arab States) said the Zionist delegate's statement that a denial of the validity of military occupation amounted to a denial of the essential elements of the rules of war needed no comment. It was sad to hear Arab delegations making their differences public. He appealed to them not to allow the Zionist enemy to exploit differences which, in the view of his Organization,

were only temporary. For the benefit of the observer for Egypt he stated that the Arab peoples had not forgotten the part played and the sacrifices made by the people of Egypt. The Camp David accords implicated only a régime; that unbalanced and juridically deficient text did not bind the people of Egypt, least of all its younger generation, because it was illegal. The League of Arab States was convinced that Egypt would rejoin the other Arab countries. Even for the Zionists, Egypt remained an Arab country: they would never trust a strong Egypt, since they would see the danger it represented.

The meeting rose at 7.45 p.m.